

Entered on Docket

March 18, 2022

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



1 Signed and Filed: March 18, 2022
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Dennis Montali

5 DENNIS MONTALI
6 U.S. Bankruptcy Judge
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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

10 In re) Bankruptcy Case No. 19-30088-DM
11 PG&E CORPORATION,)
12 - and -) Chapter 11
13 PACIFIC GAS AND ELECTRIC)
14 COMPANY,)
15 Reorganized Debtors.)
16)
17 William F. Weidman, III,) U.S.D.C. No. 4:22-cv-00389-HSG
18 Appellant,)
19 v.)
20 PG&E CORPORATION and PACIFIC)
21 GAS AND ELECTRIC COMPANY,)
22 Appellees.)
23)
24)

25 **CERTIFICATION BY BANKRUPTCY JUDGE AND**
26 **RECOMMENDATION TO DISMISS APPEAL**

27 TO: HONORABLE HAYWOOD S. GILLIAM, JR., UNITED STATES DISTRICT
28 JUDGE

1 B.L.R. 8009-1(b) (2) permits the bankruptcy court to
2 recommend to the district court that an appeal be dismissed if
3 an appellant fails to perfect an appeal in the manner prescribed
4 by Bankruptcy Rule 8009.

5 In this case, the appellant has done nothing to perfect his
6 appeal and I believe, therefore, that his appeal should be
7 dismissed.

8 **BACKGROUND**

9 Mr. William F. Weidman, III ("Weidman") filed proof of
10 claim # 10281 (the "Claim") on September 30, 2019 in the amount
11 of \$50,000,000.

12 On August 19, 2021, the Reorganized Debtors ("Debtors")
13 filed their *One Hundred Second Omnibus Objection to Claims (No*
14 *Legal Liability Claims)* ("Objection") (Dkt. 11120), alleging in
15 part that the events underlying Mr. Weidman's Claim were time-
16 barred by California's two-year statute of limitations on
17 personal injury claims. On September 10, 2021, Mr. Weidman
18 timely filed an *Opposition to Notice of the Reorganized Debtors'*
19 *One Hundred Second Omnibus Objection to Claims (No Legal*
20 *Liability Claims)* (Dkt. 11239). On September 22, 2021, Debtors
21 filed their *Reply in Support of Reorganized Debtors' Omnibus*
22 *Objections to Claims* (Dkt. 11298). The court held a hearing on
23 the matter on September 29, 2021. On October 6, 2021, the court
24 issued an *Order Disallowing Proof of Claim # 10281 Filed by*
25 *William F. Weidman, III ("Order")* (Dkt. 11381).

26 Between October 19, 2021 and November 15, 2021, Weidman
27 filed three motions to extend time to file a motion for
28 reconsideration of the Order. The court granted all three

1 requests. On November 17, 2021, Weidman filed a *Petition for*
2 *Reconsideration* (Dkt. 11596). On December 10, 2021, the Debtors
3 filed their *Opposition to Motion for Reconsideration* by William
4 F. Weidman, III (Dkt. 11688). On December 15, 2021, the court
5 entered the *Order Denying Motion for Reconsideration* by William
6 F. Weidman, III (Dkt. 11706).

7 **APPEAL**

8 On January 18, 2022, Weidman filed the *Notice of Appeal* and
9 *Statement of Appeal* (Dkt. 11835).

10 Fed. R. Bankr. P. 8009(a)(1)(B) requires an appellant to
11 file a designation of items to be included in the record on
12 appeal and a statement of the issues to be presented within 14
13 days of filing the notice of appeal. Thus, Weidman's
14 designation and statement were due on February 3, 2022.

15 On March 3, 2022, the Clerk issued and served on Weidman a
16 *Notice of Failure to Perfect Appeal* (Dkt. 11985). Weidman has
17 not filed anything nor has he sought more time to do so and no
18 counsel has appeared on his behalf.

19 Accordingly, I recommend that the district court dismiss
20 this appeal for lack of prosecution after Appellant has had an
21 opportunity to respond and Appellees have had an opportunity to
22 reply to any response. B.L.R. 8009-1(b)(3) provides:

23 Upon receipt of a motion under subsection (1) or a
24 recommendation under subsection (2) of this subsection
25 ©, the Clerk of the District Court shall docket the
26 motion in the case previously assigned to the appeal.
27 Unless the assigned District Judge orders otherwise:
28 within 14 days after receiving notice of the
assignment to a District Judge, appellant shall file
in the District Court a brief of not more than five
pages in opposition to dismissal of the appeal; 14
days thereafter, appellee(s) may file a reply brief of

1 not more than five pages; no hearing will be held
2 unless the assigned District Judge orders otherwise.
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END OF CERTIFICATION

COURT SERVICE LIST

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